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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,148	08/22/2001	Srinivas Gutta	US010410	3373

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
CATHEY II, PATRICK H	
ART UNIT	**PAPER NUMBER**
2613	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,148	GUTTA ET AL.	
	Examiner	Art Unit	
	Patrick H. Cathey II	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/28/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 13-20* is/are pending in the application.

4a) Of the above claim(s) *10-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 13-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed 3/28/2005, with respect to the rejection(s) of claim(s) 1, 3, 4 and 13-20 under Cook have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Adrain and Houvener.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim's 1-3, 13, 14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 5,895,453) in view of Adrain (US 5,831,669).

As for Claim's 1, 2, 13, 16, 19 and 20, Cook teaches establishing a rule defining a fraudulent event where the rule include at least one condition (Column 5, line 45 to Column 6, line 29), obtaining at least one image of the retail location (Column 18, lines 65-67), analyzing the image using video content analysis techniques to identify at least one predetermined feature in the image associated with the fraudulent event (Column 13, lines 16-35), and performing a defined action if the rule is satisfied (Column 6, lines 30-39). Cook teaches monitoring the employee at the sales counter (Column 13, lines 16-35) however fails to specifically teach capturing an image of a patron in a monitored

area, but Adrain does (Column 3, lines 14-51). Since this is just monitoring a different subject that is still within the retail environment, it would have been obvious to monitor a patron as well as the employee for fraudulent activity because both subjects could be monitored for the same criminal activity.

As for Claim's 3, 14 and 17, Cook teaches where the fraudulent event is a person stealing an item (Column 6, lines 9-11). Cook fails to specifically teach being able to determine if a patron exits a changing area wearing a different article of clothing than entered with, but Adrain does (Column 3, lines 14-51; Column 4, lines 14-51). Since this is just comparing a reference image from a prior time to a current image, it would have been obvious to one of ordinary skill to take an image of a patron entering the changing area, using this image as a reference image, and setting the rule to set an alarm if the patron exits the changing area wearing different clothing. This is shown obvious because the cameras in Adrain are shown to have settings in order to compare different images and sound alarms if the images are altered.

Claim's 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Iizaka (US 6,654,047).

As for Claim's 5-7, many of the limitations have been addressed in the above rejections. Cook teaches where a person attempts to return an item without a receipt but fails to teach where the person has not previously been detected in the retail location, has been detected in an area of the retail location where the item is stocked or was not carrying the item when the person entered the retail location, but Iizaka does.

Iizaka teaches past visit information that shows when and how often a person visits a retail store location (Column 9, lines 41-53; See also Figures 14A and 14B), Figures 14A and 14B also show in the column labeled D2 which camera picked the person up showing whether the person has been in the location where the item was stocked and finally Iizaka teaches cameras 5A and 5B that detect the entrance and exit showing whether the person entered the retail location with the item being returned. Since using cameras is only one method to further identify whether a person is truly returning an item they purchased in addition to other methods such as using computer equipment to track certain items bought by certain individuals, it would have been obvious to one of ordinary skill to use cameras with certain rules to identify falsely returned items because mostly all retail locations already have cameras in their stores.

As for Claim's 8 and 9, Cook fails to teach where the processing step further comprises the step of performing a face recognition and feature extraction analysis on the image, but Iizaka does (Column 5, lines 33-43). Since using cameras is again only one method to further identify whether a person is truly returning an item they purchased in addition to other methods such as using computer equipment to track certain items bought by certain individuals that would be identified at the register, it would have been obvious to one of ordinary skill to use cameras in order to detect and identify the person prior to the individual approaching the register because mostly all retail locations already have cameras in their stores.

Claim's 4, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Iizaka (US 6,654,047) and in further view of Junger et al. (US 2004/0172260).

As for Claim's 4, 15 and 18, Cook teaches where the fraudulent event is a person attempting to return an item without a receipt (Column 9, lines 26-31; See also Figure 12). Cook fails to specifically have monitoring equipment at the entrance in order to determine whether the patron returning the item entered with the item, but Iizaka does (Column 5, line 58 to Column 6, line 3). Since this monitoring equipment is just used to verify that the patron was in fact in possession of the returned object when entering the retail environment, it would have been obvious to one of ordinary skill because camera monitoring equipment is available at most all retail environments so a store would be able to use these cameras in order to determine if the patron was carrying the returned object when entering the store.

Junger et al. further teaches using the serial number provided on the item that is being returned without a receipt in order to determine the status of the item (page 3, paragraph 28). This given the employee a verification that the item has been purchased form the current store or another location that would make it valid. This would show another method in order to check the validation of the returned item.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC

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